C.M.No.18249-CII of 2006 and
Civil Revision No.4426 of 2006
Date of decision: 12.9.2006

S.Harbans Singh ---Petitioner.

Versus

Tarsem Singh Virdi ---Respondent.

CORAM: HON'BLE MR.JUSTICE S.N.AGGARWAL.

Present:- Mr. Harindar Kumar Aurora,Advocate,
for the petitioner.

S.N.AGGARWAL.J.

C.M.No.18249-CII of 2006.

This application has been filed under Section 151 C.P.C. for placing on record Annexures P-5 and P-6.

This application is, accordingly, accepted subject to all just exceptions.

Civil Revision No. 4426 of 2006.

Submits that the petitioner is plaintiff in the learned trial Court. He had right to lead rebuttal but his rebuttal evidence has been closed by the learned trial Court vide impugned order dated 18.8.2006. Further submits that the case is fixed for today. Further submits that one opportunity be granted to the petitioner for leading rebuttal evidence to which he is entitled. He will produce and close the evidence on any date given by the Court at his own responsibility.

If notice of this petition is given to the respondent, it will cause delay in the disposal of this petition and also the case which is pending in the trial Court since 2001. In the interest of justice, the petitioner should be granted one opportunity to produce and close his rebuttal evidence at his

own responsibility while the opposite side can be compensated by payment of costs.

In these circumstances, this petition is allowed subject to payment of costs of

Rs. 1000/-. The petitioner is entitled to lead rebuttal evidence only against those issues the onus of which is on the respondent. The costs shall be paid on 18.9.2006 for onward payment to the respondent. On that date, the learned trial Court shall grant one opportunity to the petitioner for producing and closing his rebuttal evidence at his own responsibility. If the petitioner fails to tender the costs on 18.9.2006 for onward payment to the respondent or fails to produce and close his evidence on the adjourned date, as stipulated above, he will not be afforded any further opportunity. However, if the case is adjourned for no fault of the petitioner then he will be entitled to another opportunity as well.

A copy of this order be given dasti on payment of usual charges.

12.9. 2006. **(S.N. AGGARWAL)**
Anoop **JUDGE**